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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Purdue Pharma Settles With States Over OxyContin

By Shannon Henson

Law360 (May 8, 2007, 12:00 AM EDT) -- Drug manufacturer Purdue Pharma has agreed to pay 26 states and the District of Columbia \$19.5 million to settle allegations that it encouraged doctors to prescribe OxyContin for unapproved uses and did not adequately disclose the potential for abuse of the drug.

The settlement, which still has to be approved by state judges across the country, would also force the company to market and promote the narcotic painkiller effectively, not base the bonuses of sales representatives on the volume of OxyContin prescribed, and use education about the drug and its potential for abuse as a way to evaluate the performance of sales representatives.

The settlement also requires Purdue to maintain an abuse and diversion detection program to detect problem prescribing, and requires all field personnel to undergo training on the program before being allowed to promote OxyContin.

"Profits guided this company, and its actions were shameful," said Arizona Attorney General Terry Goddard. "Our investigation and this settlement prove that we must continue to watch the prescription drug companies to ensure consumers are getting the appropriate medicines."

Many states said they would use their shares of the settlement money to provide services in their communities.

Massachusetts, for one, said it would use the money to provide grants ranging from \$70,000 to \$100,000 to support the development and implementation of a community-wide approach to substance abuse prevention. The Attorney General's Office said it would begin considering grant proposals early this fall, and would award the money in January.

"We are pleased that this settlement will give us the opportunity to fund crucial prevention programs," said Massachusetts Attorney General Martha Coakley. "We look forward to working with communities, many of whom have seen firsthand the devastating affects of OxyContin abuse, to create innovative programs that make youth aware of the devastating addictive risks associated with the long-term use of OxyContin."

Purdue introduced OxyContin, a time-release drug that can be addictive, in 1995. The company, which is privately owned, is based on Connecticut.

Purdue did not respond to a request for comment on Tuesday. Authorities said Purdue did not admit wrongdoing in settling.

"It's important that drug companies marketing painkiller drugs like OxyContin take into consideration the safety risks involved with the drug," said Ohio Attorney General Marc Dann. "Failing to adequately account for possible abuse of the drug with off-label marketing, not only is it unsafe for Ohio consumers but it also creates an unfair business market."

The jurisdictions taking part in the settlement are: Arizona, Arkansas, California, Connecticut, Idaho, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Montana, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, Wisconsin and the District of Columbia.

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